Remarks

Claims 1-5, 7, 9-13, 15, and 17-24 are pending in the application. Claims 1-5, 7, 9-13, 15, and 17-24 are rejected. Claims 9 and 15 are objected to. Claims 1, 9, 15 and 19 are amended herein. All rejections are respectfully traversed.

Claims 9 and 15 are objected to because of formalities. Claims 9 and 15 are amended herein to overcome the objections.

Claims 1 and 19 are amended to more distinctly recite the invention.

Claims 1-4, 9-12, and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amro, et al., (U.S. 7,072,939 – "Amro"), in view of Flanagin, et al., (U.S. 6,128,661 – "Flanagin").

Regarding Independent claims 1, 9, and 19, the invention is a method and apparatus by which a mobile computing device discovers other mobile computing devices in communications range; presents a list of discovered devices to a user by displaying the list on the device graphical user interface; and allows the user to select one or more of the discovered devices to communicate with wirelessly. If the device receives a user selection of more than one discovered device, the communication is via RF communications. If the user only selects one device, the user may select one of RF or infra red (IR) as the wireless communications type. It should be understood that each element of the invention recited in the claims takes place on a single device.

The independent claims are amended to clarify that the broadcasting step is performed by a particular mobile computing device and the GUI is that of the same device.

It should further be understood that the hub described in Amro and referenced by the Examiner is a network interconnection device, and would never be confused by a person of ordinary skill in the art with a mobile computing device, as claimed. In fact, the distinction between a hub and a computing device is clearly made in Amro, see, e.g., col. 2, lines 20-22, below:

puting devices. In a preferred embodiment, the system includes a hub and a plurality of computing devices in physical proximity with the hub. Each of the plurality of

The functionality of the hub, as is readily understood by those of ordinary skill in the art, is also described in Amro at col. 2, lines 25-29, below:

less connection. The hub acts as a pass-through device receiving and transmitting requests from a requesting computing device to other computing devices and receiving and transmitting answers from the other computing devices to the requesting computing device. Each computing device

It should now be understood that the hub polling described by Amro is for a completely different purpose, i.e., discovering all devices participating in a collaboration, and by a completely different device, i.e., network interconnect device, than what is claimed. Selective transmission is never contemplated by Amro, a hub is not a computing device, nor would user inputted selection of mobile computing devices take place any GUI of a hub.

Further, claimed is presenting, on a graphical user interface of the particular mobile computing device, a list of mobile computing devices within communications range. Again, the hub of Amro is not a mobile computing

device as claimed. Further, the Examiner's assertion that the hub would have a GUI for presenting the list is pure conjecture. His support for that assertion referes to a section of Amro describing PDAs, which do not discover the other devices or present the list anywhere. Further, the Examiner's implication that device selection would ever occur at the hub is non-sequitor. That is clearly outside of any functionality contemplated by Amro.

Further still, claimed is receiving a selection of one or more mobile computing devices from the list for a data transfer, the selecting performed at the graphical user interface by a user. Again, it should be understood that all of the steps of the invention are performed at a single device. The Examiner's reference to a target device adds yet a third different device described in Amro to attempt to teach what is claimed as operable on a single device.

Flanagin describes a mobile device connecting to a desktop computer. The partnered devices described in Flanagin have nothing to do with a broadcast query according to what is claimed. Flanagin "partnered" desktops are preconfigured. Dynamic networking is never considered by Flanagin. The GUI in Flanagin is not populated in response to a broadcast query. Further still, there is no automatic selection of any wireless communication type in response to devices selected from a list presented on the GUI as claimed. More importantly, according to the invention, the type of wireless communication selected according to the invention is based on a number of devices. The explicit limitation when the selection comprises a single mobile computing device, prompting, using the graphical user interface, the user to select a wireless communication type selected from the group consisting of

an infrared link and a radio frequency (RF) link, and when the selection comprises multiple mobile computing devices, automatically selecting the radio frequency link is never taught in Flanagin. Flanagin always only considers two devices connecting. Flanagin is useless from making the invention obvious.

The dependent claims inherit the limitations of the Independent claims any therefore are patentable over the combination of Amro and Flanagin for at least the reasons asserted above.

It is believed that this application is now in condition for allowance. A notice to this effect is respectfully requested. Should further questions arise concerning this application, the Examiner is invited to call Applicant's attorney at the number listed below. Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account 50-6350.

Respectfully submitted,
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